In the Supreme Court of the United States

OCTOBER TERM, 1969

No. 1396

ALLAN MAURICE GLAZERMAN, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

The judgment of the court of appeals was entered January 16, 1970. A petition for rehearing was denied March 6, 1970. The petition for a writ of certiorari, filed April 7, 1970 is out of time under Rule 22-2 of the Rules of the Court.

The petition in any event presents no issue of merit. The court of appeals affirmed petitioner's conviction in the United States District Court for the Eastern District of Oklahoma on fourteen counts of mail fraud and one count of conspiracy (18 U.S.C. 1341, 371) in connection with a scheme to defraud the public in the

sale of centrally installed vacuum cleaners by offering large commissions to customers for referral lists naming a specified number of prospective purchasers (Pet. App.). Petitioner's various contentions with respect to (a) the trial judge's participation in the questioning on cross-examination, (b) the alleged error in admitting into evidence certain statements made by co-defendants and (c) certain instructions to the jury, including the form of verdict, are all fully dealt with and properly rejected in the opinion of the court of appeals (Pet. App. 1-16), on which we rely here.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

MAY 1970.

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